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REMARKS

In the Office Action of March 29, 2004, the Examiner has provisionally rejected claims 1-17 under the judicially created doctrine of double patenting as being unpatentable over claims 1-20 of copending Application No. 09/982,942. Claims 11-17 are rejected under 35 USC 112, first paragraph as failing to comply with the written description requirement. Claims 1-10 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-17 are rejected under 35 USC 102(e) as being anticipated by Daniel et al (US 2002/0022984).

The Office Action of March 29, 2004, has been carefully considered and by this amendment, entry of which is respectfully requested, claims 1-17 remain in the application; claims 1 and 11 have been amended. The amendments do not add new matter.

In the Office Action, the Examiner has stated that independent claims 1 and 11, and dependent claims 2-10 and 12-17 are unpatentable over pending claims 1-20 of copending patent application 09/982,942, under the judicially created doctrine of double patenting. The Examiner has stated that all of the claims of the subject application are fully disclosed in the referenced copending application.

As amended, the conflicting claims of the subject application are patentably distinct. Specifically, the subject application is particularly applicable to a system and method for allowing access to product upgrades, enhancements and developments. A database is configured

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with dynamically changing product data to assist in the access to product information. Access to such information is particularly useful in the design stages of product development.

As now disclosed and claimed in all of the claims of the subject application, the main thrust of this invention is for product design assistance by updating product information, such as compressor airfoil information for persistent airfoils of a gas turbine engine.

In copending Application No. 09/982,942, there are no claims and there is no disclosure or teaching relating to product design or updates. Rather, copending Application No. 09/982,942, relates to developing, approving, revising, searching for and using web based software tools. While those web-based software tools may include product information of some sort, the disclosure and claims of 09/982,942 do not relate to product design.

Turning now to the rejection of claims 11-17 under 35 USC 112, first paragraph, and claims 1-10 under 35 USC 112, second paragraph, it is respectfully submitted that the claims, as now amended, comply with 35 USC 112.

Specifically, claims 1 and 11 have been amended to more particularly point out and distinctly claim the subject matter of the invention. A claim, in order to pass muster under 35 USC §112, second paragraph, need only be clear to one skilled in the art, when read in light of the specification, so as to permit one skilled in the art to define the metes and bounds of the invention. In re Goffe, 188 USPQ 131, 135 (CCPA 1975). With the amendments represented herein, it is respectfully submitted that one skilled in the art could define the metes and bounds of the

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invention.

Turning now to the rejection of claims 1-15 and 19 under 35 USC 102(e) as being anticipated by Daniel et al, Applicants respectfully traverse this rejection for the reason that the cited art does not teach, anticipate, or render obvious the invention of Applicants, as now claimed.

The test for determining if a cited document anticipates a claim, for purposes of a rejection under 35 USC §102, is whether the cited document discloses all of the elements of the claimed combination, or the mechanical equivalents, functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals of the Federal Circuit in Lindemann Maschinenfabrik GmbH v. American Hoist and Derrick, 221 USPQ 481, 485 (1984), in evaluating the sufficiency of an anticipation rejection under 35 USC §102:

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

In considering the Daniel application cited by the Examiner, it is respectfully submitted that this document does not anticipate the subject invention. The Daniel publication claims a computerized method for guiding service personnel with equipment requiring service, to determine a preferred service site. The Daniel publication does not in any way assist with the design of a product, only with the service of an already designed product. The cited reference does not teach or suggest computerized assistance of product design. It is respectfully submitted, therefore, that

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independent claims 1 and 11 of the subject application are not anticipated by the cited patent.

Claims 2-10 and 12-17 depend from independent claims 1 and 11 to contain all of the limitations found therein. By this dependency, it is submitted that these claims are not anticipated, taught, or rendered obvious by the cited document. Additionally, these claims add further limitations which distinguish them patentably from the cited documents. Accordingly, withdrawal of the rejection of all of the claims of the application is respectfully requested.

Applicants' attorney has reviewed the additional art cited by but not relied upon by the Examiner. Those documents do not teach, anticipate, or render obvious, when taken singularly or in combination, the invention of applicants disclosed in the subject application.

In view of the foregoing remarks, the undersigned attorney respectfully submits that all of the claims of the application are clearly allowable. Therefore, Applicant's attorney respectfully requests that the Examiner's objections and rejections be withdrawn and that a formal Notice of Allowance be issued thereon.

Respectfully submitted,

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